



3. On April 14, 2008, Doug Johnston, the Delinquency Coordinator of the Bricklayers Local 56 Fringe Benefit Funds observed a for sale sign in front of 2842 Sterkel Rd., North Aurora, IL. The sign is one of Lomitas Real Estate Inc. A photo of the sign and property is attached to this motion.

4. When Plaintiff's counsel called Lomitas in order to gain information concerning the placement of the sign, counsel was informed the property at 2842 Sterkel Rd. was for sale, rent, or lease and the selling price was \$469,000.00. Plaintiff's counsel's affidavit is attached to this motion.

5. The property at 2842 Sterkel Road is owned by Mitchell J. Sabat and Defendant, Mary Sabat. The tract index search for this property is attached to this motion.

WHEREFORE, Plaintiffs move this Court to enter a Rule to Show Cause why Defendant Mary Sabat, should not be held in contempt of this Court for her attempt to sell assets in violation of the temporary restraining order and preliminary injunction granted by this Honorable Court and to set a date of April 15, 2008 for a hearing on that Rule to Show Cause.

Respectfully submitted,

/s Shane Luedke  
One of Plaintiffs' Attorneys

Donald D. Schwartz  
Shane Luedke  
ARNOLD & KADJAN  
19 West Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415  
ATTORNEYS FOR PLAINTIFFS

MASON

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Chicago)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-01616**

Trustees of the Bricklayers and Allied Craftsmen Local 56  
Fringe Benefit Fund v. Al's Masonry Contracting, Inc. et al  
Assigned to: Honorable James B. Zagel  
Cause: 29:1132 E.R.I.S.A.-Employee Benefits

Date Filed: 03/20/2008  
Jury Demand: None  
Nature of Suit: 791 Labor: E.R.I.S.A.  
Jurisdiction: Federal Question

**Plaintiff**

**Trustees of the Bricklayers and Allied  
Craftsmen Local 56 Fringe Benefit  
Fund**

represented by **Donald D. Schwartz**  
Arnold & Kadjan  
19 West Jackson Boulevard  
Suite 300  
Chicago, IL 60604  
(312) 236-0415  
Email: dds3662@yahoo.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Shane Clinton Luedke**  
Arnold & Kadjan  
19 W. Jackson Blvd  
Suite 300  
Chicago, IL 60604  
312 236 0415  
Email: scluedkeanj@gmail.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Al's Masonry Contracting, Inc.**  
*an Illinois corporation*

represented by **Scott Neil Schreiber**  
Stahl Cowen Crowley LLC  
55 W. Monroe  
#1200  
Chicago, IL 60603  
(312)641-0060  
Email: sschreiber@stahlcowen.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Al's Maintenance, Inc.**  
*a dissolved Illinois corporation*

represented by **Scott Neil Schreiber**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Alfonso Guzman, Sr.**  
*individually*

**Defendant**

**Andrea Guzman**  
*individually*

**Defendant**

**Maria Sabat**  
*individually*  
*also known as*  
 Mary Sabat  
*also known as*  
 Maria Soria

Date Filed	#	Docket Text
03/20/2008	<u>1</u>	COMPLAINT filed by Trustees of the Bricklayers and Allied Craftsmen Local 56 Fringe Benefit Fund (Exhibit); Filing fee \$350.(hp, ) (Entered: 03/20/2008)
03/20/2008	<u>2</u>	CIVIL Cover Sheet (hp, ) (Entered: 03/20/2008)
03/20/2008	<u>3</u>	ATTORNEY Appearance for Plaintiff Trustees of the Bricklayers and Allied Craftsmen Local 56 Fringe Benefit Fund by Donald D. Schwartz (hp, ) (Entered: 03/20/2008)
03/20/2008	<u>4</u>	ATTORNEY Appearance for Plaintiff Trustees of the Bricklayers and Allied Craftsmen Local 56 Fringe Benefit Fund by Shane Clinton Luedke (hp, ) (Entered: 03/20/2008)
03/20/2008	<u>6</u>	SUMMONS Issued as to Defendants Al's Masonry Contracting, Inc., Al's Maintenance, Inc., Alfonso Guzman, Sr., Andrea Guzman, Maria Sabat (hp, ) (Entered: 03/20/2008)
03/25/2008	<u>7</u>	MOTION by Plaintiff Trustees of the Bricklayers and Allied Craftsmen Local 56 Fringe Benefit Fund for temporary restraining order ( <i>EMERGENCY</i> ) (Attachments: # <u>1</u> Memorandum In Support Of Emergency Motion For Temporary Restraining Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5-1, # <u>7</u> Exhibit 5-2, # <u>8</u> Exhibit 5-3, # <u>9</u> Exhibit 5-4, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9, # <u>14</u> Exhibit 10, # <u>15</u> Exhibit 11)(Schwartz, Donald) (Entered: 03/25/2008)

03/25/2008	<u>8</u>	EMERGENCY NOTICE of Motion by Donald D. Schwartz for presentment of motion for temporary restraining order,, <u>7</u> before Honorable James B. Zagel on 3/27/2008 at 10:15 AM. (Schwartz, Donald) (Entered: 03/25/2008)
03/27/2008	<u>9</u>	MINUTE entry before Judge Honorable James B. Zagel:Motion hearing held on 3/27/2008. Emergency Motion for temporary restraining order <u>7</u> is granted. Preliminary injunction hearing set for 4/3/2008 at 11:00 AM.Mailed notice (drw, ) (Entered: 04/01/2008)
04/03/2008	<u>10</u>	ATTORNEY Appearance for Defendants Al's Masonry Contracting, Inc., Al's Maintenance, Inc. by Scott Neil Schreiber (Schreiber, Scott) (Entered: 04/03/2008)
04/03/2008	<u>11</u>	NOTICE by Al's Masonry Contracting, Inc., Al's Maintenance, Inc. re attorney appearance <u>10</u> (Schreiber, Scott) (Entered: 04/03/2008)
04/03/2008	<u>12</u>	Temporary Restraining Order by Trustees of the Bricklayers and Allied Craftsmen Local 56 Fringe Benefit Fund (Luedke, Shane) (Entered: 04/03/2008)
04/03/2008	<u>13</u>	Order Of Preliminary Injunction by Trustees of the Bricklayers and Allied Craftsmen Local 56 Fringe Benefit Fund (Luedke, Shane) (Entered: 04/03/2008)
04/04/2008	<u>14</u>	SUMMONS Returned Executed by Trustees of the Bricklayers and Allied Craftsmen Local 56 Fringe Benefit Fund as to Andrea Guzman on 3/29/2008, answer due 4/18/2008. (Schwartz, Donald) (Entered: 04/04/2008)
04/04/2008	<u>15</u>	SUMMONS Returned Executed by Trustees of the Bricklayers and Allied Craftsmen Local 56 Fringe Benefit Fund as to Alfonso Guzman, Sr on 3/29/2008, answer due 4/18/2008. (Schwartz, Donald) (Entered: 04/04/2008)
04/04/2008	<u>16</u>	SUMMONS Returned Executed by Trustees of the Bricklayers and Allied Craftsmen Local 56 Fringe Benefit Fund as to Al's Masonry Contracting, Inc. on 3/29/2008, answer due 4/18/2008. (Schwartz, Donald) (Entered: 04/04/2008)

### PACER Service Center

#### Transaction Receipt

04/11/2008 16:23:43

<b>PACER Login:</b>	ak0081	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:08-cv-01616
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.16







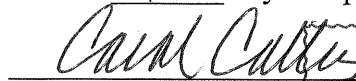


6. All Defendants in this action have been enjoined by this Court from dissipating or transferring any assets until all contributions are paid in full.

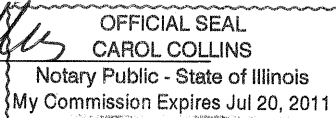
FURTHER AFFIANT SAYETH NOT

  
Shane Luedke

SUBSCRIBED to and sworn before  
me this 15<sup>th</sup> day of April 2008.



NOTARY PUBLIC





**PROPERTY INSIGHT, LLC.**

A California Limited Liability Company

505 E NORTH AVENUE, CAROL STREAM, IL 60188

(630) 588-4870

**TRACT INDEX SEARCH**

ARNOLD & KADJAN  
19 W JACKSON BLVD  
SUITE 300  
CHICAGO, ILLINOIS 60604  
SHANE LUEDKE

Order No.: 1404 C55718905 SSS  
Cover Date: MARCH 18, 2008  
Ref: S.LUEDKE/SABAT-2842 STERKEL RD, N AURORA  
DLW

Legal Description of Land Searched: (See Attached)

Permanent Tax Number (P.I.N.):  
11-36-160-004-0000

Street Address of Land Search (as furnished by Applicant):  
2842 STERKEL ROAD  
NORTH AURORA, ILLINOIS

Grantee(s) in last recorded conveyance:

MITCHELL J. SABAT AND MARY SABAT, HIS WIFE

In accordance with the application, a search of tract indices discloses the following items.

DOCUMENT/CASE NO.: 2006K030832  
GRANTOR: NEUMANN HOMES INC.  
GRANTEE: MITCHELL J. SABAT & MARY SABAT, HIS WIFE  
INSTRUMENT: WARRANTY DEED  
DATE: 03/09/2006  
RECORDED: 03/22/2006

DOCUMENT/CASE NO.: 2006K030833  
GRANTOR: MITCHELL J. SABAT & MARY SABAT, HIS WIFE  
GRANTEE: WELLS FARGO BANK, N.A.  
INSTRUMENT: MORTGAGE  
DATE: 03/10/2006  
RECORDED: 03/22/2006  
REMARKS: \$378,414.00

(CONTINUED)

PROPERTY INSIGHT

By: Diana Wood

SEE ATTACHED FOR TERMS AND CONDITIONS OF SEARCH AND EXPLANATION OF ABBREVIATIONS  
This is not a title insurance policy, guarantee, or opinion of title and should not be relied upon as such.



# PROPERTY INSIGHT, LLC.

A California Limited Liability Company

Order No.: 1404 C55718905 SSS

## Disclosures (Continued):

DOCUMENT/CASE NO.: 06CHK1547  
GRANTOR: WELLS FARGO BANK, N.A.  
GRANTEE: MITCHELL SABAT & MARY SABAT, ET AL.  
**INSTRUMENT: FORCLOSURE**  
RECORDED: 10/18/2006  
REMARKS: (AFFECTS DOCUMENT 2006K030833)

DOCUMENT/CASE NO.: 2006K115413  
GRANTOR: WELLS FARGO BANK, N.A.  
GRANTEE: MITCHELL J. SABAT & MARY SABAT, ET AL.  
**INSTRUMENT: LIS PENDENS NOTICE**  
RECORDED: 10/23/2006  
REMARKS: RE: CASE #06CHK1547



# PROPERTY INSIGHT, LLC.

A California Limited Liability Company

505 E NORTH AVENUE, CAROL STREAM, IL 60188

## TRACT INDEX SEARCH

Order No.: 1404 C55718905 sss

Additional Tax Numbers:

### Legal Description:

LOT 246 IN TANNER TRAILS UNIT 4, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 2004  
AS DOCUMENT 2004K125478, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS



## TERMS AND CONDITIONS

Property Insight, a California Limited Liability Company (hereinafter referred to as Property Insight), has prepared this search based on research of its' proprietary indices. Search requests processed by Property Insight are made on behalf and solely for the benefit of the applicant of said search request and shall not be resold or redistributed to third parties. Property Insight has made this search using guidelines as established by Fidelity National Financial.

The Tract Index search is based on a search of Property Insight's geographic indices. Recorded documents, which do not contain a legal description or a permanent index number, including deeds or mortgages, are not posted to said indices and will not be disclosed by this search. Requests based on a common street address will be reconciled with legal description and permanent index information as they appear on recorded deeds and mortgages only. Property Insight may not be able to process search requests based on common street address only. Property Insight reserves the right to not process a search request based on its' complexity.

The Judgment and Miscellaneous search is based on a search of Property Insight's name indices. The spelling of the names searched will be as furnished by applicant of said search or as disclosed on a Tract Index search if requested. If a Tract Index search is requested in conjunction with the Judgment and Miscellaneous search, only the name of the grantee(s) contained in the last deed of conveyance will be searched if a specific name to be searched is not furnished. This search does not show Judgments unless a transcript, certified copy, or memorandum of the judgment has been filed in the Recorder of deeds office in the county that the search request has been made. No search has been made of the index in the District Office of the Internal Revenue Service. Only those matters filed in the office in the county that the search request has been made will be disclosed.

The Real Estate Tax and Zoning Searches are based on a search of the county tax records or information obtained from the county tax records and compiled by Property Insight. Information provided is based on the availability of said information from the various county governments.

In addition to the standard search products, Property Insight offers other Special Search services available upon request. These requests will be considered based on the feasibility of said request and terms agreed upon between applicant and Property Insight prior to the commencement of said special search request.

This search is not a Title Insurance Policy, Guarantee, or Opinion of Title and should not be relied upon as such. Property Insight does not analyze instruments for legal sufficiency. Instruments are posted to the tract or name indices and reported by searchers based on the characterization of the instrument by its' preparer.

All search products are uninsured and offer no liability coverage or errors and omissions coverage.

Search fees shall be payable within 30 days upon receipt of search products. Search requests will not be processed if fees for previous search products are unpaid and delinquent.